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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>		Attorney Docket No. 217538 Client Reference No.	
		First Inventor KWOK, K. Keith Title FREE-FLOWING LYOPHILIZED TOBRAMYCIN FORMULATION	
		Express Mail Label No. EV335718515US	
APPLICATION ELEMENTS		ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	
1. <input checked="" type="checkbox"/> Utility Patent Application Transmittal Form 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification (including claims and abstract) [Total Pages 26] 4. <input type="checkbox"/> Drawings [Total Sheets] 5. <input type="checkbox"/> Combined Declaration and Power of Attorney [Total Pages] a. <input type="checkbox"/> Newly executed b. <input type="checkbox"/> Copy from prior application [Note Box 6 below] i. <input type="checkbox"/> <u>Deletion of Inventor(s)</u> Signed statement attached deleting inventor(s) named in the prior application 6. <input type="checkbox"/> Incorporation by Reference: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference. 7. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 8. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 9. Nucleotide and/or Amino Acid Sequence Submission a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper Copy c. <input type="checkbox"/> Statement verifying identity of above copies		ACCOMPANYING APPLICATION PARTS 10. <input type="checkbox"/> Applicant requests early publication. (include publication fee under 37 CFR 1.18(d)) 11. <input type="checkbox"/> Assignment Papers (cover sheet and document(s)) 12. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an Assignee) 13. <input type="checkbox"/> Power of Attorney 14. <input type="checkbox"/> English Translation Document (if applicable) 15. <input type="checkbox"/> Information Disclosure Statement (IDS) <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of References (except for U.S. patents and applications) 16. <input type="checkbox"/> Preliminary Amendment 17. <input checked="" type="checkbox"/> Return Receipt Postcard (Should be specifically itemized) 18. <input type="checkbox"/> Claim of Priority & Certified Copy of Priority Document(s) 19. <input checked="" type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) (Form PTO/SB/35 or its equivalent must be submitted with this application to prevent publication at 18 months) 20. <input type="checkbox"/>	
21. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below: <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part of prior application no. _____ Prior application information: Examiner _____; Group Art Unit: _____			
APPLICATION FEES			
BASIC FEE			\$770.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total Claims	44 -20=	24	x \$18.00 \$432.00
Independent Claims	1 - 3=	0	x \$86.00 \$0.00
<input type="checkbox"/> Multiple Dependent Claim if applicable			+\$290.00 \$
Total of above calculations =			\$1,202.00
Reduction by 50% for filing by small entity =			\$()
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00 \$
<input type="checkbox"/> Early publication fee if applicable			+ \$300.00 \$
TOTAL =			\$1,202.00

UTILITY PATENT APPLICATION TRANSMITTAL

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22. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 12-1216 in the amount of \$1,202.00.	
23. <input type="checkbox"/> A check in the amount of \$ is enclosed.	
24. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 12-1216: a. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.16. b. <input checked="" type="checkbox"/> Fees required under 37 CFR 1.17.	
25. <input checked="" type="checkbox"/> The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 12-1216 for any fee that may be due in connection with such a request for an extension of time.	
26. CORRESPONDENCE ADDRESS	
<input checked="" type="checkbox"/> Customer Number: 23460 23460	<input type="checkbox"/> , Reg. No. Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)
Name	Steven H. Sklar, Registration No. 42,154
Signature	
Date	April 19, 2004

Certificate of Mailing Under 37 CFR 1.10		
I hereby certify that this Utility Patent Application Transmittal and all accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office To Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.		
Mark J. Sweetin		April 19, 2004
Name of Person Signing	Signature	Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

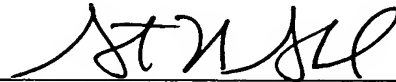
In re Application of:

Kwok et al.

For: FREE-FLOWING LYOPHILIZED
TOBRAMYCIN FORMULATION

REQUEST AND CERTIFICATION UNDER 35 USC 122 (b)(2)(B)(i)

The undersigned hereby certifies that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. Pursuant to 37 CFR 1.213, the applicant hereby requests that the attached application not be published under 35 USC 122(b).



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Date: April 19, 2004